

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA

RESPONDENT

v.

Case No. 4:01-cr-40019
Case No. 4:11-cv-04028
Case No. 4:16-cv-04081

BRIAN BROWN

MOVANT

ORDER

Before the Court is the Report and Recommendation (“R&R”) filed by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 314). Movant Brian Brown (“Movant”) has objected. (ECF No. 314). The Court finds the matter ripe for consideration.

In the R&R, Judge Bryant recommends that Movant’s Motion for Reconsideration (ECF No. 311) be denied for two reasons. First, Judge Bryant recommends that Movant’s motion be denied because Movant has not complied with prior Court Orders and has not sought leave prior to filing his motion. (ECF No. 314, at 1). Second, Judge Bryant recommends that Movant’s motion be denied because Movant has not complied with 28 U.S.C. § 2255(h) or § 2244(b)(3)(A) and requested permission from the appropriate court of appeals—the Court of Appeals for the Eighth Circuit—for an order authorizing the district court to consider a second or successive 28 U.S.C. § 2255 petition. (ECF No. 314, at 1-2). Additionally, Judge Bryant recommends that the Clerk of Court be directed to accept no further pleadings from Movant unless Movant has obtained permission from the Court of Appeals for the Eighth Circuit to file a second or successive 28 U.S.C. § 2255 petition. (ECF No. 314, at 2).

Movant has timely objected. (ECF No. 315). However, Movant's objection fails to articulate a clear argument critical of Judge Bryant's R&R and instead reiterates many of the factual allegations underlying his claims and repeats the arguments that Judge Bryant considered in his R&R. *See Munt v. Larson*, No. 15-CV-0582 SRN/SER, 2015 WL 5673108, at *7 (D. Minn. Sept. 23, 2015) ("Simply restating arguments and facts already presented to the Magistrate Judge does not constitute a viable objection to a report and recommendation."). Further, the Court agrees with Judge Bryant's finding that Movant has not complied with the Court's Orders and ignored the requirement that he seek permission pursuant to 28 U.S.C. § 2255(h) and 28 U.S.C. § 2244(b)(3)(A). Accordingly, the Court finds that Movant has presented no error that would require the Court to depart from Judge Bryant's recommendations.

Upon *de novo* review, the Court hereby adopts the R&R (ECF No. 314) *in toto*. Accordingly, the Court finds that Movant's Motion for Reconsideration (ECF No. 311) should be and hereby is **DENIED**. Movant is hereby **DIRECTED** to seek leave from the Court of Appeals for the Eighth Circuit before he files any second or successive 28 U.S.C. § 2255 petition. **Additionally, the Clerk of Court is hereby directed to accept no further pleadings from Movant related to filing a successive habeas petition unless he has first obtained permission from the Court of Appeals for the Eighth Circuit for such a filing.**

IT IS SO ORDERED, this 4th day of September, 2025.

/s/ Susan O. Hickey
Susan O. Hickey
Chief United States District Judge